

CITY OF TIGARD, OREGON

RESOLUTION NO. 04-68

A RESOLUTION FINALIZING SANITARY SEWER REIMBURSEMENT DISTRICT NO. 26 (121ST AVENUE SOUTH OF ROSE VISTA DRIVE)

WHEREAS, on June 25, 2002, the City Council approved Resolution No. 02-43 to form Sanitary Sewer Reimbursement District No. 26 to construct sewers in SW 121st Avenue in accordance with TMC Chapter 13.09; and

WHEREAS, Resolution No. 02-43 included the City Engineer's Report, which contained an estimated construction cost and total project cost; and

WHEREAS, construction of the sewer improvements have been completed, final costs have been determined, and the City Engineer's Report has been revised to include the final costs as required by TMC 13.09.105(1); and

WHEREAS, these property owners have been notified of an informational hearing in accordance with TMC 13.09.060 and an informational hearing was conducted in accordance with TMC 13.09.105; and

WHEREAS, the City Council has determined that the proposed revisions to the City Engineer's Report are appropriate.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:


SECTION 1 The revised City Engineer's report titled "Sanitary Sewer Reimbursement District No. 26", attached hereto as Exhibit A, is hereby approved.

SECTION 2 Resolution No. 02-43 is hereby amended to add the revised City Engineer's Report.

SECTION 3 The City Recorder shall cause a copy of this resolution to be filed in the office of the County Recorder and shall mail a copy of this resolution to all affected property owners at their last known address.

SECTION 4 This resolution is effective upon passage.

PASSED: This 28th day of September 2004.



Mayor - City of Tigard

ATTEST:



Jane McGarvin, Deputy City Recorder

Exhibit A
City Engineer's Report
Sanitary Sewer Reimbursement District No. 26
(SW 121st Av. South of Rose Vista)

Background

This project was constructed through a reimbursement district approved by City Council on June 25, 2002, through Resolution No. 02-43 and funded under the City of Tigard Neighborhood Sewer Extension Program (NSEP). Under the program, the City of Tigard has installed public sewers to each lot within the project area. At the time the property owner connects to the sewer, the owner must pay a connection fee of \$2,535.00 and reimburse the City for a fair share of the cost of the public sewer. There is no requirement to connect to the sewer or pay any fee until connection is made. In addition, property owners are responsible for disconnecting their existing septic system according to Washington County rules and for any other modifications necessary to connect to the public sewer.

Project Area - Zone of Benefit

An existing sanitary sewer line in SW Gaarde Street was extended north to serve three lots on the east side of SW 121st Avenue as shown on Exhibit Map B.

Cost

The final cost for the sanitary sewer construction is \$36,776.51. Engineering and inspection fees amount to \$4,964.83 (13.5%) as defined in TMC 13.09.040(1). The final total project cost is \$41,741.34. This is the amount that should be reimbursed to the sanitary sewer fund as properties connect to the sewer and pay their fair share of the total amount. However, the actual amount that each property owner pays is subject to the City's incentive program for early connections.

In addition to sharing the cost of the public sewer line, each property owner will be required to pay an additional \$2,535 connection and inspection fee when connection to the public line is made. All owners will be responsible for all plumbing costs required for work done on private property.

Reimbursement Rate

The resolution forming this district, Resolution No. 02-43, provides that the total cost of the project will be divided equally among the three properties included in the reimbursement district.

Resolution 01-46 limits this fee to \$6,000 to the extent that it does not exceed \$15,000 per owner for connections completed within three years of final approval of the City Engineer's Report. Resolution 03-55 further provides that payment of the portion of the fee in excess of \$15,000 may be deferred until the lot is partitioned or otherwise developed.

Each property owner's estimated fair share of the public sewer line is \$13,913.78. Each owner's fair share would be limited to \$6,000 to the extent that it does not exceed \$15,000, for connections completed within three years of City Council approval of the final City Engineer's Report following construction in accordance with Resolution 01-46 (attached). In addition to paying for the first \$6,000, owners will remain responsible for paying all actual costs that exceed \$15,000. However, payment of the portion of the fee in excess of \$15,000 may be deferred until the lot is partitioned or otherwise developed in accordance with Resolution 03-55 (attached).

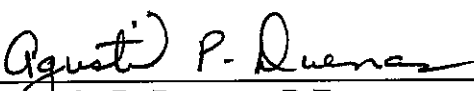
Annual Fee Adjustment

TMC 13.09.115 states that an annual percentage rate shall be applied to each property owner's fair share of the sewer line costs on the anniversary date of the reimbursement agreement. The Finance Director has set the annual interest rate at 6.05% as stated in City of Tigard Resolution No. 98-22.

Recommendation

It is recommended that the reimbursement district formed under Resolution No. 02-43 be finalized in the amount of \$41,741.34 with an annual fee increase as indicated above and that the reimbursement district continue for fifteen years from the date of the formation of the district as provided in the Tigard Municipal Code (TMC) 13.09.110(5). Fifteen years after the formation of the reimbursement district, properties connecting to the sewer would no longer be required to pay the reimbursement fee.

Submitted September 14, 2004


Agustin P. Duenas, P.E.
City Engineer

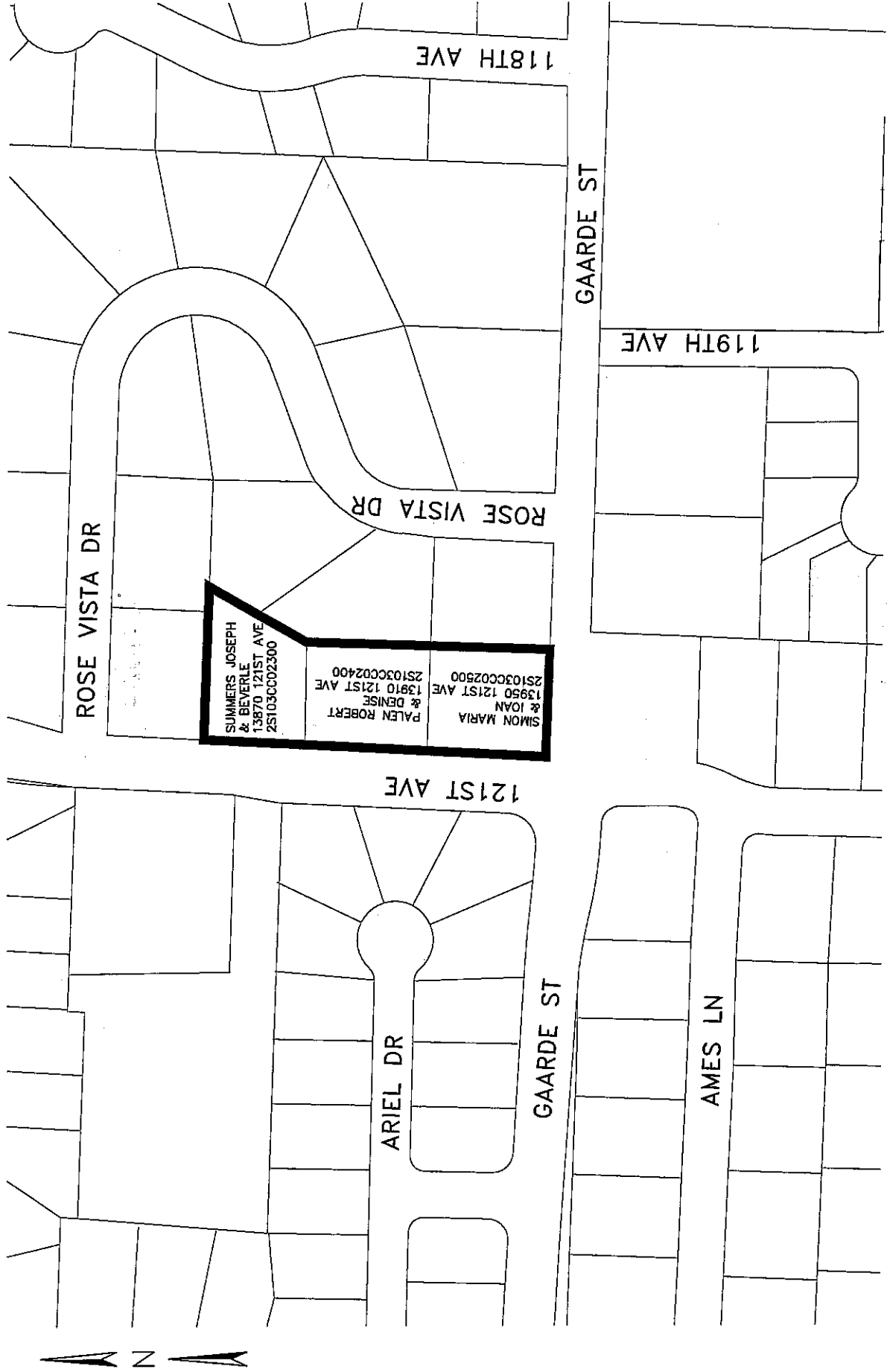
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121ST AVE AT GAARDE ST
Reimbursement District No. 26

Final Cost to Property Owners
August 13, 2004

OWNER		SITE ADDRESS	TAX LOT ID	AREA (S.F.)	FINAL COST TO PROPERTY OWNER	PAID BY OWNER	PAID BY CITY
1	SUMMERS JOSEPH RAMSEY & BEVERLE	13870 SW 121ST AVE	2S103CC02300	14452.62808	\$13,913.78	\$6,000.00	\$7,913.78
2	PALEN ROBERT L & DENISE	13910 SW 121ST AVE	2S103CC02400	14773.89238	\$13,913.78	\$6,000.00	\$7,913.78
3	SIMON MARIA & IOAN	13950 SW 121ST AVE	2S103CC02500	14809.64262	\$13,913.78	\$6,000.00	\$7,913.78
Totals				44036.16	\$41,741.34	\$18,000.00	\$23,741.34

121ST AVE SOUTH OF ROSE VISTA DRIVE SANITARY SEWER IMPROVEMENTS REIMBURSEMENT DISTRICT #26



CITY OF TIGARD, OREGON

RESOLUTION NO. 02- 43

A RESOLUTION ESTABLISHING SANITARY SEWER REIMBURSEMENT DISTRICT NO. 26
(SW 121ST SOUTH OF ROSE VISTA DRIVE)

WHEREAS, the City has initiated the Neighborhood Sewer Extension Program to extend public sewers and recover costs through Reimbursement Districts in accordance with TMC Chapter 13.09; and

WHEREAS, these property owners have been notified of a public hearing in accordance with TMC 13.09.060 and a public hearing was conducted in accordance with TMC 13.09.050; and

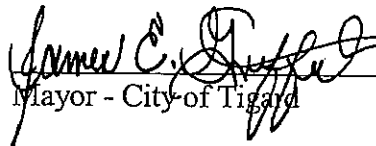
WHEREAS, the City Engineer has submitted a report describing the improvements, the area to be included in the Reimbursement District, the estimated costs, a method for spreading the cost among the parcels within the District, and a recommendation for an annual fee adjustment; and

WHEREAS, the City Council has determined that the formation of a Reimbursement District as recommended by the City Engineer is appropriate.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

- SECTION 1 The City Engineer's report titled "Sanitary Sewer Reimbursement District No. 26", attached hereto as Exhibit A, is hereby approved.
- SECTION 2 A Reimbursement District is hereby established in accordance with TMC Chapter 13.09. The District shall be the area shown and described on Exhibit B. The District shall be known as "Sanitary Sewer Reimbursement District No. 26, SW 121st Avenue (south of Rose Vista Drive)."
- SECTION 3 Payment of the reimbursement fee as shown in Exhibit A is a precondition of receiving City permits applicable to development of each parcel within the Reimbursement District as provided for in TMC 13.09.110.
- SECTION 4 An annual fee adjustment, at a rate recommended by the Finance Director, shall be applied to the Reimbursement Fee.
- SECTION 5 The City Recorder shall cause a copy of this resolution to be filed in the office of the County Recorder and shall mail a copy of this resolution to all affected property owners at their last known address, in accordance with TMC 13.09.090.
- SECTION 6 This resolution is effective immediately upon passage.

PASSED: This 25th day of June 2002.


Mayor - City of Tigard

ATTEST:


City Recorder - City of Tigard

Certified to be a True Copy of Resolution 02-43
Original on File

By: 
Deputy Recorder - City of Tigard

Date: August 5, 2002

Greer A. Gaston, Deputy City Recorder

RESOLUTION NO. 02- 43

Page 1

Exhibit A
City Engineer's Report
Sanitary Sewer Reimbursement District No. 26
(SW 121st Av. South of Rose Vista)

Background

This project will be constructed and funded under the City of Tigard Neighborhood Sewer Extension Program (NSEP). Under the program the City of Tigard would install public sewers to each lot within a project area. At the time the property owner connects to the sewer, the owner would pay a connection fee of \$2,335.00 and reimburse the City for a fair share of the cost of the public sewer. There is no requirement to connect to the sewer or pay any fee until connection is made. In addition, property owners are responsible for disconnecting their existing septic system according to Washington County rules and for any other modifications necessary to connect to the public sewer.

Project Area - Zone of Benefit

An existing sanitary sewer line in SW Gaarde Street would be extended north to serve three lots on the east side of SW 121st Avenue as shown on Exhibit Map B. The lots along the west side are currently served.

Cost

The estimated cost for the sanitary sewer construction is \$45,680. Engineering and inspection fees amount to \$6,170 (13.5%) as defined in TMC 13.09.040(1). The estimated total project cost is \$51,850. This is the amount that should be reimbursed to the sanitary sewer fund as properties connect to the sewer and pay their fair share of the total amount. However, the actual amount that each property owner pays is subject to the City's incentive program for early connections.

In addition to sharing the cost of the public sewer line, each property owner will be required to pay an additional \$2,335 connection and inspection fee when connection to the public line is made. All owners will be responsible for all plumbing costs required for work done on private property.

Reimbursement Rate

All properties in this area are zoned R-4.5 and have similar lot sizes as can be seen in Exhibit Map B. Therefore, it is recommended that the total cost of the project be divided equally among the three properties included in the reimbursement district. Resolution 01-46 limits this fee to \$6,000 to the extent

that is does not exceed \$15,000 per owner for connections completed within three years of final approval of the City Engineer's Report.

Other reimbursement methods include basing the proportional share upon the square footage of each property or by the length of frontage of each property. These methods are not recommended because there is no correlation between these methods and the cost of providing service to each lot or the benefit to each lot.

Each property owner's estimated fair share of the public sewer line is \$17,280. Each owner's fair share would be limited to \$6,000 to the extent that it does not exceed \$15,000, for connections completed within three years of City Council approval of the final City Engineer's Report following construction in accordance with Resolution 01-46 (attached). In addition to paying for the first \$6,000, owners will remain responsible for paying all actual costs that exceed \$15,000.

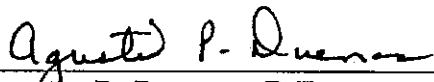
Annual Fee Adjustment

TMC 13.09.115 states that an annual percentage rate shall be applied to each property owner's fair share of the sewer line costs on the anniversary date of the reimbursement agreement. The Finance Director has set the annual interest rate at 6.05% as stated in City of Tigard Resolution No. 98-22.

Recommendation

It is recommended that a reimbursement district be formed with an annual fee increase as indicated above and that the reimbursement district continue for fifteen years as provided in the Tigard Municipal Code (TMC) 13.09.110(5). Fifteen years after the formation of the reimbursement district, properties connecting to the sewer would no longer be required to pay the reimbursement fee.

Submitted June 11, 2002



Agustín P. Duenas, P.E.
City Engineer

FY 2001-02 SANITARY SEWER EXTENSION PROGRAM REIMBURSEMENT DISTRICT #26
121ST AVE SOUTH OF ROSE VISTA
A PORTION OF THE SW 1/4 SECTION 3 T2S R1W W.M.

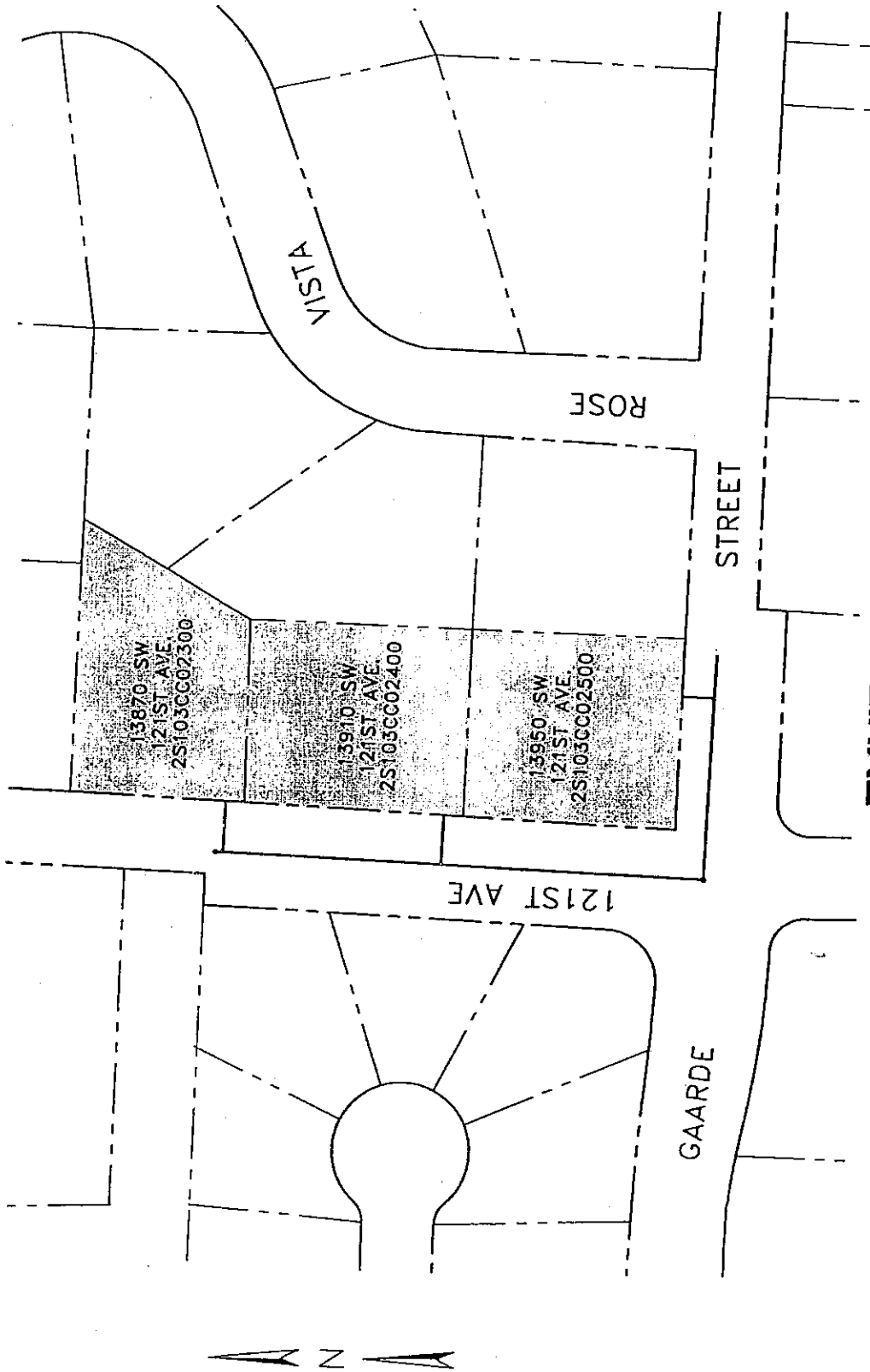


EXHIBIT B

NTS

NOTE

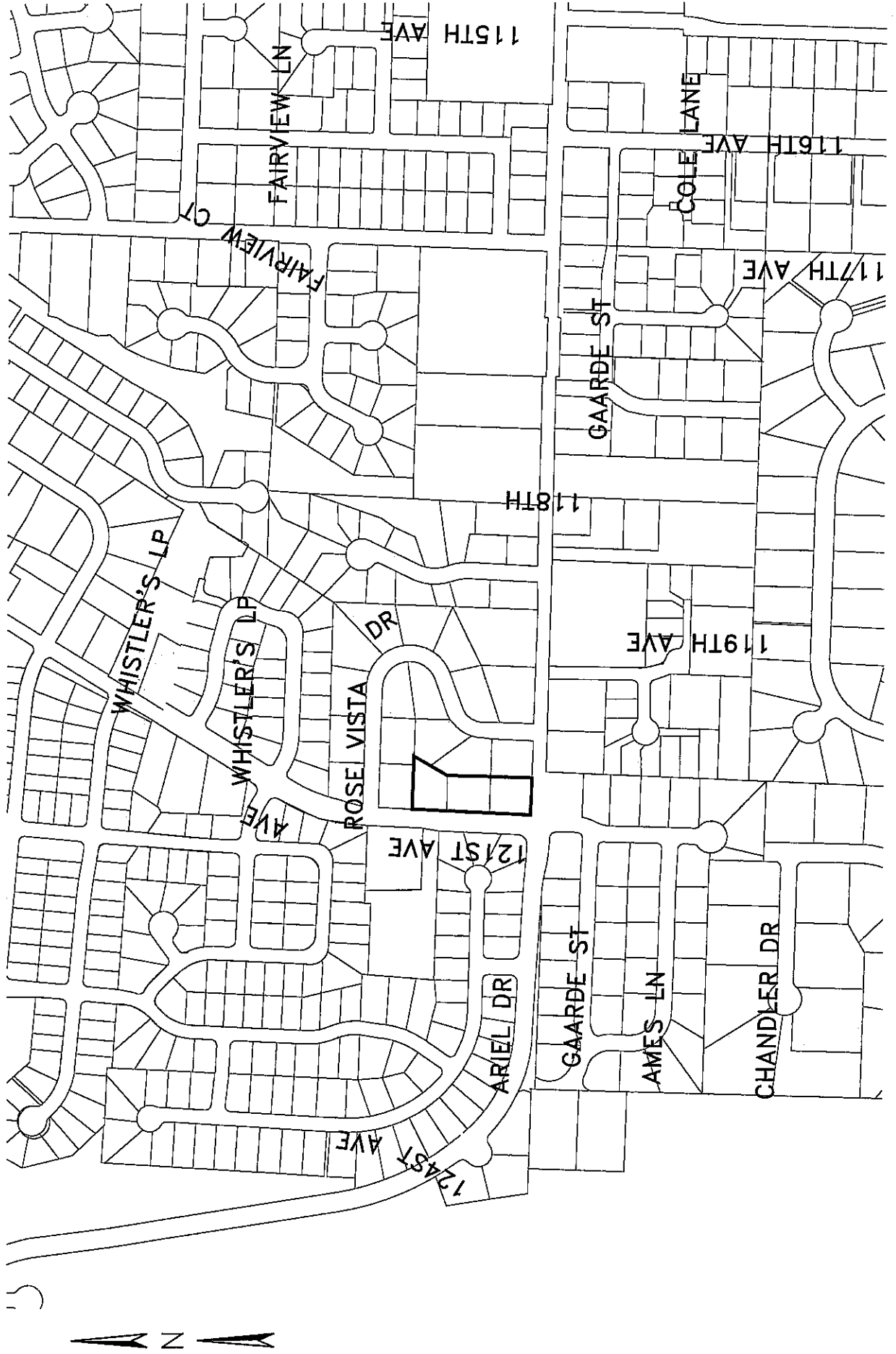
ALL PROPERTIES IN THE REIMBURSEMENT
DISTRICT ARE ZONED R4.5

Reimbursement District #26
(121st Ave south of Rose Vista Drive

Property Owner List

OWNER	ADDRESS	
SUMMERS	13870 SW 121ST AVE	Tigard, OR 97223
PALEN	13910 SW 121ST AVE	Tigard, OR 97223
POLIN	13950 SW 121ST AVE	Tigard, OR 97223

121ST AVE SOUTH OF ROSE VISTA DRIVE
SANITARY SEWER IMPROVEMENTS
REIMBURSEMENT DISTRICT #26



VICINITY MAP
NTS

August 30, 2004

NOTICE
of
PUBLIC HEARING
Tuesday, September 28, 2004
7:30 PM
Tigard Civic Center
Town Hall

The following will be considered by the Tigard City Council on September 28, 2004 at 7:30 PM at the Tigard Civic Center - Town Hall, 13125 SW Hall Blvd., Tigard, Oregon. Both public oral and written testimony is invited. The public hearing on this matter will be conducted as required by Section 13.09.105 of the Tigard Municipal Code. Further information may be obtained from the Engineering Department at 13125 SW Hall Blvd., Tigard, Oregon 97223, or by calling 503 718-2468.

INFORMATIONAL PUBLIC HEARING:

FINALIZATION OF SANITARY SEWER REIMBURSEMENT DISTRICT NO. 26 (SW 121st Avenue). The Tigard City Council will conduct a public hearing to hear testimony on the finalization of Sanitary Sewer Reimbursement District No. 26 formed to install sewers in SW 121st Avenue.

Each property owner's recommended fair share of the public sewer line is \$13,913.78 as shown on the enclosed. Each owner's fair share would be limited to \$6,000 for connections completed within three years of City Council approval of the final City Engineer's Report following construction in accordance with Resolution 01- 46.

Please call Greg Berry of the Engineering Department 503 718-2468 if you have questions.

2S103CC-02400

PALEN ROBERT L &
DENISE A
13910 SW 121ST AVE
TIGARD, OR 97223

2S103CC-02500

SIMON MARIA & IOAN
13950 SW 121ST AVE
TIGARD, OR 97223

2S103CC-02300

SUMMERS JOSEPH RAMSEY & BEVERLE
13870 SW 121ST AVE
PORTLAND, OR 97223

CITY OF TIGARD, OREGON

RESOLUTION NO. 01-46

A RESOLUTION REPEALING RESOLUTION NO. 98-51 AND ESTABLISHING A REVISED AND ENHANCED NEIGHBORHOOD SEWER REIMBURSEMENT DISTRICT INCENTIVE PROGRAM

WHEREAS, the City Council has initiated the Neighborhood Sewer Extension Program to extend public sewers through Reimbursement Districts in accordance with TMC Chapter 13.09; and

WHEREAS, on October 13, 1998, the City Council established The Neighborhood Sewer Reimbursement District Incentive Program through Resolution No. 98-51 to encourage owners to connect to public sewer. The program was offered for a two-year period after which the program would be evaluated for continuation; and

WHEREAS, on September 26, 2000, the City Council extended The Neighborhood Sewer Reimbursement District Incentive Program an additional two years through Resolution No. 00-60; and

WHEREAS, City Council finds that residential areas that remain without sewer service should be provided with service within five years; and

WHEREAS, Council has directed that additional incentives should be made available to encourage owners to promptly connect to sewers once service is available and that owners who have paid for service provided by previously established districts of the Neighborhood Sewer Extension Program should receive the benefits of the additional incentives.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: Resolution No. 98-51 establishing the Neighborhood Sewer Reimbursement District Incentive Program is hereby repealed.

SECTION 2: A revised incentive program is hereby established for the Neighborhood Sewer Extension Program. This incentive program shall apply to sewer connections provided through the sewer reimbursement districts shown on the attached Table 1 or established thereafter. All connections qualifying under this program must be completed within **three years** after Council approval of the final City Engineer's Report following a public hearing conducted in accordance with TMC Section 13.09.105 or by **two years** from the date this resolution is passed, which ever is later, as shown on the attached Table 1.

SECTION 3: To the extent that the reimbursement fee determined in accordance with Section 13.09.040 does not exceed \$15,000, the amount to be reimbursed by an owner of a lot zoned single family residential shall not exceed \$6,000 per connection, provided that the lot owner complies with the provisions of Section 2. Any amount over \$15,000 shall be reimbursed by the owner. This applies only to the reimbursement fee for the sewer installation and not to the connection fee, which is still payable upon application for

sewer connection.

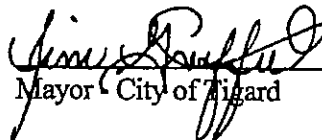
SECTION 4: The City Engineer's Report required by TMC Chapter 13.09 shall apply the provisions of this incentive program. Residential lot owners who do not connect to sewer in accordance with Section 2 shall pay the full reimbursement amount as determined by the final City Engineer's Report.

SECTION 5: Any person who has paid a reimbursement fee in excess of the fee required herein is entitled to reimbursement from the City. The amounts to be reimbursed and the persons to be paid shall be determined by the Finance Director and approved by the City Manager. There shall be a full explanation of any circumstances that require payment to any person who is not an original payer. The Finance Director shall make payment to all persons entitled to the refund no later than August 31, 2001.

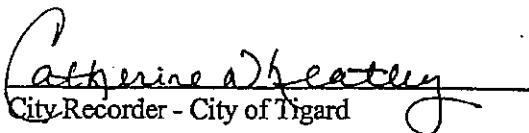
SECTION 6: The Sanitary Sewer Fund, which is the funding source for the Neighborhood Sewer Reimbursement District Program, shall provide the funding for the installation costs over \$6,000 up to a maximum of \$15,000 per connection.

EFFECTIVE DATE: July 10, 2001

PASSED: This 10th day of July 2001.


Mayor - City of Tigard

ATTEST:


City Recorder - City of Tigard

I:\Citywide\Res\Resolution Revising the Neighborhood Sewer Incentive Program

TABLE 1
Reimbursement Districts with Refunds Available

DISTRICT	FEE PER LOT	REIMBURSEMENT AVAILABLE	INCENTIVE PERIOD ENDS
TIGARD ST.No.8	5,193	No reimbursement available	
FAIRHAVEN ST/WYNo.9	4,506	No reimbursement available	
HILLVIEW ST No.11	8,000		July 11, 2003
106 TH & JOHNSON No.12	5,598	No reimbursement available	
100 TH & INEZ No.13	8,000		July 11,2003
WALNUT & TIEDEMAN No.14	8,000		July 11,2003
BEVELAND&HERMOSA No.15	5,036	No reimbursement available	
DELMONTE No.16	8,000		July 11,2003
O'MARA No.17	8,000		July 11,2003
WALNUT & 121 ST No.18	-	Amount to be reimbursed will be	Three years from service availability
ROSE VISTA No.20	-	determined once final costs are determined.	

* Currently being constructed

CITY OF TIGARD, OREGON

RESOLUTION NO. 03- 55

A RESOLUTION PROVIDING ADDITIONAL INCENTIVES TO THE NEIGHBORHOOD SEWER REIMBURSEMENT DISTRICT INCENTIVE PROGRAM (RESOLUTION NO. 01 - 46).

WHEREAS, the City Council has initiated the Neighborhood Sewer Extension Program to extend public sewers through Reimbursement Districts in accordance with TMC Chapter 13.09; and

WHEREAS, on July 10, 2001, the City Council established the Revised and Enhanced Neighborhood Sewer Reimbursement District Incentive Program through Resolution No. 01-46 to encourage owners to connect to public sewer within three-years following construction of sewers; and

WHEREAS, Council has directed that additional incentives should be made available to encourage owners of large lots to promptly connect to sewers once service is available.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

- SECTION 1:** In addition to the incentives provided by Resolution No. 01-46, any person whose reimbursement fee exceeds \$15,000 and wishes to connect a single family home or duplex to a sewer constructed through a reimbursement district may defer payment of the portion of the reimbursement fee that exceeds \$15,000, as required by Section 3 of Resolution No. 01-46, until the lot is partitioned or otherwise developed in accordance with a land use permit. The land use permit shall not be issued until payment of the deferred amount is made. The Annual Fee Adjustment required by TMC Section 13.09.115 shall not apply to payment of this deferred amount.
- SECTION 2:** Lots that qualify under Section 1, within reimbursement districts that have exceeded the three-year period for connection, and have not connected to sewer can connect the existing structure, pay a reimbursement fee of \$6,000, and defer payment of the portion of the reimbursement fee that exceeds \$15,000 if connection to the sewer is completed within one year after the effective date of this resolution.
- SECTION 3:** Vacant lots improved with a single family home or duplex during the term of the reimbursement district shall qualify for the provisions of Resolution No. 01-46, pay \$6,000 if the fee exceeds that amount, and may defer payment of the portion of the reimbursement fee that exceeds \$15,000 as provided by Section 1.
- SECTION 4:** Vacant lots that are partitioned, subdivided, or otherwise developed during the life of the reimbursement district shall qualify for the provisions of Resolution No. 01-46, shall pay a reimbursement fee of \$6,000, and shall pay any amount due over \$15,000 at the time of development. The Annual Fee Adjustment required by TMC Section 13.09.115 shall not apply to payments made under this section.
- SECTION 5:** The owner of any lot for which deferred payment is requested must enter into an agreement with the City, on a form prepared by the City Engineer, acknowledging the

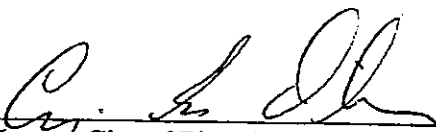
owner's and owner's successors obligation to pay the deferred amount as described in Section 1. The City Recorder shall cause the agreement to be filed in the office of the County Recorder to provide notice to potential purchasers of the lot. The recording will not create a lien. Failure to make such a recording shall not affect the obligation to pay the deferred amount.

SECTION 6: Any person who qualifies under Section 1 and has paid a reimbursement fee for the portion of the reimbursement fee in excess of \$15,000 is entitled to reimbursement for that amount from the City upon request. The amounts to be reimbursed and the persons to be paid shall be determined by the Finance Director and approved by the City Manager. There shall be a full explanation of any circumstances that require payment to any person who is not an original payer. Any person requesting a refund must sign an agreement similar to that described in Section 5 acknowledging the obligation to pay the refunded amount upon partitioning or developing the lot.

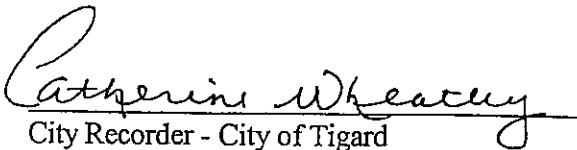
SECTION 7: The Sanitary Sewer Fund continues to remain the funding source for the Neighborhood Sewer Reimbursement District Program and shall provide the funding for the installation costs over \$6,000 up to a maximum of \$15,000 per connection and for any deferred payment permitted by this resolution.

SECTION 8: This resolution is effective immediately upon passage.

PASSED: This 14th day of October 2003.


~~Mayor - City of Tigard~~
Craig E. Dirksen, Council President

ATTEST:


Catherine Wheately
City Recorder - City of Tigard

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